

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF HUMAN SERVICES

In the Matter of the Denial of the Family
Child Care Application of Jolynn Olson
Jegtvig

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

This matter came before Administrative Law Judge, Amy J. Chantry for an evidentiary hearing on December 6, 2012. The hearing was held at the Clay County Attorney's Office, 807 11th Street North, Moorhead, Minnesota.

Cheryl Duysen, Assistant Clay County Attorney, appeared on behalf of the Clay County Social Services Department and the Minnesota Department of Human Services. Jolynn Olson Jegtvig, the Applicant, appeared on her own behalf and without counsel.

STATEMENT OF THE ISSUES

Did the Department properly deny Jolynn Olson Jegtvig a family child care license because she was disqualified from serving persons in programs it licenses?

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. Ms. Jolynn Olson Jegtvig lives in Barnesville, Minnesota, which is located on Clay County.¹
2. Ms. Olson Jegtvig applied for a license to provide family child care through Clay County Social Services.²
3. On June 21, 2011, Karen Hellem, a social worker with Clay County Social Services made an unannounced visit to Ms. Olson Jegtvig's home to investigate a report that she was providing child care without a license.³
4. At the time of the unannounced visit, Ms. Olson Jegtvig was caring for related and unrelated children. Ms. Olson Jegtvig was warned that she needed to cease providing unlicensed child care. She was also informed that she would need to

¹ Testimony of Jolynn Olson Jegtvig.

² Test. of Karen Hellem.

³ *Id.*; Ex. 1.

submit an application to be licensed for family child care, if she planned to care for children in the future.⁴

5. On July 8, 2011, Karen Hellem made a second unannounced visit to Ms. Olson Jegtvig's home. Ms. Olson Jegtvig was caring for thirteen children. Law Enforcement was contacted and Ms. Olson Jegtvig was issued a citation for providing child care without a license.⁵

6. On December 1, 2011, Ms. Olson Jegtvig was convicted of providing residential/nonresidential program without a license in violation of Minn. Stat. § 245A.03.3(a)⁶

7. On July 11, 2011, Ms. Olson Jegtvig's application to be licensed for family child care was received by Clay County Social Services.⁷

8. A background study was conducted as part of Ms. Olson Jegtvig's licensing process.⁸

9. Ms. Olson Jegtvig was notified in a letter dated November 16, 2011, that she was disqualified from any position allowing direct contact with, or access to, persons served by programs licensed by the Minnesota Department of Human Services("Department") .⁹

10. Ms. Olson Jegtvig was disqualified based on a preponderance of evidence finding that she committed the offense of wrongfully obtaining public assistance in violation of Minn. Stat. § 256.98 on November 11, 2011.¹⁰

11. Ms. Olson Jegtvig was charged with the offense of wrongfully obtaining public assistance. The charge was dismissed on November 11, 2011, after she paid restitution in the amount of \$1662.¹¹

12. On November 23, 2011, Clay County Social Services received Ms. Olson Jegtvig's request for reconsideration.¹²

13. On December 19, 2011, the Department received Ms. Olson Jegtvig's request for reconsideration.¹³

⁴ Test. of K. Hellem.

⁵ *Id.*

⁶ Ex. 9.

⁷ Test. of K. Hellem and Ex. 1.

⁸ Test. of K. Hellem.

⁹ Ex. 4.

¹⁰ *Id.*

¹¹ Test. of K. Hellem and Ex. 6.

¹² Test. K. Hellem.

¹³ *Id.*

14. The request for reconsideration was denied. The determination was affirmed and not set aside, by the Department. However, in a letter dated February 10, 2012, the Department granted a time-limited variance with the following stipulations: (1) That there are no other disqualifying factors; (2) That you not commit any additional act which indicates that you may pose a risk of harm to person served under the program; (3) That if additional information arises about your possible criminal or maltreatment history, you shall immediately provide the information to the county licensor, pursuant to Minnesota Statutes Section 345C.05, subdivision 6(b); and (4) That you follow all laws, rules, and regulations pertaining to the provision of family child care.¹⁴

15. Ms. Olson-Jegtvig did not request a fair hearing upon notice that the disqualification was not set aside on February 10, 2012.¹⁵

16. Before Ms. Olson Jegtvig was notified of the time-limited variance, Clay County Social Services received new information that Ms. Olson-Jegtvig had been convicted of misdemeanor theft in North Dakota, which was not reported on her licensing study form.¹⁶

17. On February 6, 2012, Clay County Social Services notified Ms. Olson Jegtvig of a second disqualification.¹⁷

18. On March 6, 2012, Clay County received Ms. Olson Jegtvig's second request for reconsideration of the second disqualification.¹⁸

19. On March 28, 2012, the Department received Ms. Olson Jegtvig's second request for reconsideration. The Department determined that the disqualification would not be set aside. In addition, it rescinded the variance it had granted to Ms. Olson Jegtvig on February 10, 2012, and declined to grant a new variance.¹⁹

20. As part of the initial child care license application process, Ms. Olson Jegtvig completed a licensing study form. In response to the question if she had "ever had any experience with the criminal justice system," Ms. Olson Jegtvig never provided any information regarding her 2009 misdemeanor theft charge in North Dakota.²⁰

21. Ms. Olson Jegtvig was convicted of misdemeanor theft in North Dakota on November 3, 2011.²¹

¹⁴ Ex. 1.

¹⁵ Test. of K. Hellem.

¹⁶ Ms. Olson Jegtvig entered a plea of guilty and was convicted of shoplifting on November 3, 2011, in the Municipal Court, Fargo, North Dakota. The elements of this offense are substantially similar to a disqualifying characteristic pursuant to Minn. Stat. § 245C.15 (Theft-Minn. Stat. § 609.52).

¹⁷ Ex. 3.

¹⁸ Test. of K. Hellem.

¹⁹ Ex. 1 and 2.

²⁰ Ex. 2.

²¹ Ex. 3.

22. As part of her guilty plea, Ms. Olson Jegtvig admitted to taking \$65 worth of dog products from Fleet Farm, without the owner's consent.²²

23. Ms. Olson Jegtvig was convicted of misdemeanor theft after completing her licensing study form, but before she was granted a variance for her charge of wrongfully obtaining public assistance. Ms. Olson Jegtvig failed to notify Clay County Social Services of her misdemeanor theft offense.²³

24. On January 6, 2012, Karen Hellem made another unannounced visit to Ms. Olson Jegtvig's home. Ms. Hellem determined that Ms. Olson Jegtvig was once again providing care for two unrelated families in violation of Minn. Stat. § 24A.03.3(a).²⁴

25. Based on its review of Ms. Olson Jegtvig's application file and other relevant information, Clay County recommended to the Department that Ms. Olson Jegtvig's application be denied. The County recommended the denial of the application because her February 10, 2012, variance for her disqualification had been terminated. As a result, Ms. Olson Jegtvig was disqualified from any position allowing direct contact with or access to, persons served by DHS-licensed programs. The County was also concerned that Ms. Olson Jegtvig failed to disclose her misdemeanor theft offense and that she continued to provide child care in her home without a license. Thus, the County concluded that her license needed to be denied in order to protect the health, safety, and rights of persons served by DHS-licensed programs.²⁵

26. The Commissioner completed a Risk of Harm Assessment, determining that Ms. Olson Jegtvig posed a risk of harm to any children she might serve. The Commissioner found the following factors to be determinative:

- (1) The vulnerability of the persons served in the program. The clients in program are children and are vulnerable as a result of their age.
- (2) By committing fraud against the state, she violated the trust that the state had placed in her as a recipient of state and/or federal funds. If she provided direct contact services to clients, she would also be in a position of trust because she would have access to client and public assistance funds.
- (3) The record shows that her wrongfully obtaining assistance criminal charges were dismissed following restitution. While this fact may be relevant for her permanent criminal record, it does not change the fact that she committed an offense that poses a risk of harm to persons receiving services. The Commissioner is required by law to assess her risk of harm based on the evidence of her past behavior, regardless of whether her criminal record has been amended.

²² *Id.*

²³ Test. of K. Hellem.

²⁴ *Id.*

²⁵ Exs. 1 and 2.

- (4) Regarding her theft crime, this is also a crime of dishonesty. When coupled with her crime against the state, the acts raise serious concerns about her ability to be honest and truthful, and the potential risk of harm her judgment poses to vulnerable adults and children.
- (5) Under state law, and in response to a direct question to her, she had an affirmative duty to disclose her 2009 theft arrest on her child care license application. She breached that duty by failing to disclose the arrest. This raises heightened concerns about her ability to cooperate honestly with the licensing authority and indicates an increased potential risk of harm her judgment poses to vulnerable adults and children.
- (6) She was twice found to be illegally operating a family child care program despite being warned to cease that activity.²⁶

27. The Department also determined that Ms. Olson Jegtvig failed to demonstrate that she did not pose a risk of harm.²⁷

28. On July 13, 2012, the Department issued its Order of Denial of Ms. Olson Jegtvig's request for a family child care license.²⁸

29. The Department denied Ms. Olson Jegtvig's application for a family child care license because she is disqualified from having direct contact with, or access to, persons served by Department licensed programs. The Department also based the denial on Ms. Olson Jegtvig's failure to disclose misdemeanor theft conviction during the application process. In addition, the Department based its denial on Ms. Olson Jegtvig's continued operation of a child care program in her home without a license. Based on these factors, the Department determined that Ms. Olson Jegtvig had not demonstrated that she would be able to ensure the health, safety, and well-being of the children served by a Department licensed program. The Order informed Ms. Olson Jegtvig of her right to appeal and her right to a contested case hearing.²⁹

30. As a result, DHS issued a Notice and Order for Hearing on August 8, 2012.³⁰

31. Ms. Olson Jegtvig would like to receive a family child care license. She loves working with children.³¹ She submitted nine letters of recommendation in support of her request that she be granted a family child care license.³²

²⁶ Ex. 2 and Test. of K. Hellem.

²⁷ *Id.*

²⁸ Ex. 1.

²⁹ *Id.*

³⁰ Notice and Order for Hearing.

³¹ Test. of J. Olson Jegtvig and Ex. B.

³² Exs. C, D, E, F, G, I, J, K and L.

32. Ms. Olson Jegtvig appealed the Department's Order of Denial, which was received by the Department on August 6, 2012.³³

Based on these Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. This matter is properly before the Commissioner and the ALJ pursuant to Minn. Stat. §§ 14.50 and 245A.08. This is a consolidated hearing concerning the disqualification and the denial the family child care license application of Jolynn Olson Jegtvig.

2. The Department and the County have complied with all of the substantive and procedural requirements of law and rule.

3. The Department bears the burden of proof to show that Jolynn Olson Jegtvig is disqualified by a preponderance of evidence.³⁴

4. The Applicant, Jolynn Olson Jegtvig, bears the burden of proof to demonstrate by a preponderance of evidence that she has complied fully with Chapter 245A and other applicable laws and rules and that the application should be approved and a license granted.³⁵

5. Minn. Stat. § 245C.03 requires the Department to "conduct a background study on: (1) the person or persons applying for a license."³⁶

6. Minn. Stat. § 245C.14, subd. 1 provides that the Department shall "disqualify an individual who is the subject of a background study from any position allowing direct contact with persons receiving services from the license holder . . . upon receipt of information showing, or when a background study completed . . . shows any of the following:

- (1) a conviction of, admission to, or Alford plea to one or more crimes listed in section 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor, or misdemeanor level crime;
- (2) a preponderance of the evidence indicates the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, regardless of whether the preponderance of

³³ Test. of K. Hellem.

³⁴ Minn. Stat. § 245C.14, subd. 14, subd. 1(2); Minn. R. 7300, subp. 5.

³⁵ Minn. Stat. § 245A.08, subd. 3(b).

³⁶ Minn. Stat. § 245C.03 (1).

the evidence is for a felony, gross misdemeanor, or misdemeanor level crime; or . . .

7. Minn. Stat. § 245C.15, subd. 4 includes Minn. Stat. § 256.98 (wrongfully obtaining public assistance) and Minn. Stat. § 609.52 (theft) as crimes that can result in disqualification. Disqualification based on the crime of wrongfully obtaining public assistance and theft is for a seven year period.³⁷

8. Wrongfully obtaining public assistance is committed when an individual “obtains or attempts to obtain, or aids or abets any person to obtain by means of willfully false statement or representation, by intentional concealment of any material facts the continued receipt of assistance . . .”³⁸ A preponderance of evidence finding was made that Ms. Olson Jegtvig committed the offense of wrongfully obtaining public assistance on November 11, 2011. Therefore, the disqualification determination was correct.

9. Theft is committed what a person “intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other’s consent and with the intent to deprive the owner permanently of possession of the property.”³⁹

10. The record shows that Ms. Olson Jegtvig’s admission to shoplifting dog products from Fleet Farm in North Dakota constitutes an admission to a crime that has substantially similar elements to Minnesota’s theft offense under Minn. Stat. § 609.52. A preponderance of evidence also indicates that Ms. Olson Jegtvig committed misdemeanor theft. Therefore, the disqualification determination was correct.

11. The Department has demonstrated that it acted consistent with the requirements of Minn. Stat. § 245C.14 when it disqualified Ms. Olson Jegtvig based on her admission and conviction to misdemeanor theft as defined in Minn. Stat. § 609.52.

12. Under Minn. Stat. § 245A.05, the Department “may deny a license if an applicant: . . .

(2) fails to comply with applicable laws or rules;

(3) knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application for a license during an investigation; . . .

(5) has an individual living in the household who received a background study under Section 245C.03, subdivision 1, paragraph (2), clause (2),

³⁷ Minn. Stat. § 245C.15, subd. 4.

³⁸ Minn. Stat. §256.98.

³⁹ Minn. Stat. § 609.52, subd. 2(a)(1). This statute is substantially similar to North Dakota’s misdemeanor theft offense that is classified as a Class B Misdemeanor.

who has a disqualification that has not been set aside, and no variance has been granted.”

13. In addition, Minn. R. 9502.0335, subp. 6(D) provides that an applicant “shall not be issued a license . . . if the applicant, . . . [h]as a disqualification under Minnesota Statutes, section 245C.15 that has not been set aside . . . or for which a variance has not been granted . . .”

14. The Commissioner may set aside a disqualification if the Commissioner finds that the individual does not pose a risk of harm to the persons served by the applicant. In determining whether an individual poses a risk of harm, the Commissioner must consider the following factors: (1) the nature, severity, and consequences of the event or events that led to the disqualification; (2) whether there is more than one disqualifying event; (3) the age and vulnerability of the victim at the time of the event; (4) the harm suffered by the victim; (5) the vulnerability of the persons served by the program; (6) the similarity between the victim and the persons served by the program; (7) the time elapsed without a repeat of the same or similar event; (8) documentation of successful completion of training or rehabilitation pertinent to the event; and (9) any other information relevant to reconsideration. In reviewing a disqualification, the Commissioner shall give “preeminent weight” to the safety of each person to be served by the applicant.

15. Ms. Olson Jegtvig has the burden of proving by a preponderance of the evidence that she does not pose a risk of harm to the clients she wishes to serve.⁴⁰

16. Ms. Olson Jegtvig failed to prove by preponderance that she does not pose a risk of harm.

17. Before denying a license, the Department shall “consider facts, conditions, or circumstances concerning the program’s operation, the well-being of the persons served by the program, available consumer evaluations of the program, and information about the qualifications of the personnel employed by the applicant or the license holder.”⁴¹

18. The Department properly denied Ms. Olson Jegtvig’s application for a family child care license based on her two disqualifying offenses, her failure to inform the County of her misdemeanor theft offense, and her continued illegal operation of a family child care program without a license.

19. Ms. Olson Jegtvig has failed to demonstrate by a preponderance of evidence that she has complied fully with Chapter 245A and other applicable laws and rules and that her license should be approved and a license granted.

⁴⁰ Minn.Stat. § 245A.04, subd. 3b(b).

⁴¹ Minn. Stat. § 245A.04, subd. 6.

Based upon these Conclusions, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS RECOMMENDED that the Commissioner of the Department of Human Services AFFIRM Jolynn Olson Jegtvig's two disqualifications and deny her application for a license to provide family child care.

Dated: January 3, 2013

s/Amy J. Chantry
AMY J. CHANTRY
Administrative Law Judge

Reported: Digitally Record

NOTICE

This report is a recommendation, not a final decision. The Commissioner of Human Services (the Commissioner) will make the final decision after a review of the record. Under Minn. Stat. § 14.61, the Commissioner shall not make a final decision until this Report has been made available to the parties for at least ten calendar days. The parties may file exceptions to this Report and the Commissioner must consider the exceptions in making a final decision. Parties should contact Lucinda Jesson, Commissioner of Human Services, P.O. Box 64998, St. Paul MN 55155, (651) 431-2907 to learn the procedure for filing exceptions or presenting argument.

The record closes upon the filing of exceptions to the Report and the presentation of argument the Commissioner, or upon the expiration of the deadline for doing so. The Commissioner must notify the parties and Administrative Law Judge of the date the record closes. If the Commissioner fails to issue a final decision within 90 days of the close of the record, this Report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. In order to comply with this statute, the Commissioner must then return the record to the Administrative Law Judge within ten working days to allow the Judge to determine the discipline imposed.

Under Minn. Stat. § 14.62, subd. 1, the Commissioner is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

MEMORANDUM

Ms. Olson Jegtvig bears the burden of showing by a preponderance of evidence that she meets the requirements for a childcare license. The Department bears the burden of proving by a preponderance of the evidence its basis to disqualify Ms. Olson Jegtvig. The burden then shifts to Ms. Olson Jegtvig to demonstrate that the disqualification should be set aside.

Wrongfully Obtaining Public Assistance

Minn. Stat. § 245C.14, subd. 1(a)(2), requires disqualification of an applicant for licensure when a background study reveals that a preponderance of the evidence indicates that an individual has committed the offense of wrongfully obtaining public assistance in violation of Minn. Stat. § 256.98. In addition, under Minn. Stat. § 245C.15, subd. 4(a), an individual is disqualified under section 245C.14, if less than seven years have passed from the date of the dismissal of the charge. A preponderance of evidence finding was made that Ms. Olson Jegtvig committed the offense of wrongfully obtaining public assistance under Minn. Stat. § 256.98 on November 11, 2011. Ms. Olson Jegtvig did request reconsideration of her disqualification based on this preponderance of evidence finding. The disqualification was affirmed and not set aside. However, in a letter dated February 10, 2012, the Department granted a time-limited variance. The Department rescinded the time-limited variance, upon learning of Ms. Olson Jegtvig's misdemeanor theft conviction. Thus, Ms. Olson Jegtvig is disqualified from licensure until November 11, 2018.

Misdemeanor Theft

Under Minn. Stat. § 245C.14, subd. 1, the Department is required to disqualify an individual who is the subject of a background study if the individual admits to theft as defined in Minn. Stat. § 609.52. "Theft" includes intentionally taking the "movable property of another without the other's consent and with the intent to deprive the owner permanently of possession of the property." Minn. Stat. § 609.52, subd. 2(a)(1). Under Minn. Stat. § 245C.15, subd. 4(b)(1)(d), an individual is disqualified under section 245C.14, if less than seven years has passed since the discharge of the sentence imposed for an offense in any other state, the elements of which are substantially similar to the elements of any offense listed in paragraphs (a) or (b). Since Ms. Olson Jegtvig's conviction for misdemeanor theft out of North Dakota is substantially similar to the misdemeanor theft offense in Minnesota, she is disqualified for licensure for seven years.

Even though Ms. Olson Jegtvig is disqualified from licensure, the Commissioner may set aside the disqualifications, if she submitted sufficient information to demonstrate that she does not pose a risk of harm to any person served in her licensed program. In a risk of harm determination, "preeminent weight" must be given to the safety of the children in Ms. Olson Jegtvig's care. The Risk of Harm Determination Worksheet is not entirely applicable to the crimes of wrongfully obtaining public

assistance and misdemeanor theft. The nature of these two financial crimes does not lend itself to an analysis under a format requiring determinations as to violence against a victim, vulnerability of a victim, and similarity of a victim to persons served by a childcare program. The worksheet suggests that a known individual victim was directly harmed, physically, or emotionally, by a disqualified applicant. However, both crimes do constitute crimes of dishonesty.

The Department determined that Ms. Olson Jegtvig's actions were intentional, with short-term harm and damage to the victim, and that the program clients were very vulnerable, increasing the risk of harm. The Department also found that Ms. Olson Jegtvig did not provide any documentation to demonstrate her successful completion of training or rehabilitation pertinent to her two disqualifying offenses.

The Department also found that Ms. Olson Jegtvig accepted responsibility for her actions. However, this is contradicted by Ms. Olson Jegtvig's testimony at the evidentiary hearing. Instead of accepting responsibility for her actions, Ms. Olson Jegtvig attempted to lessen her culpability with respect to both offenses. She tried to explain that she took the dog items from Fleet Farm in North Dakota because she was going through a separation from her former husband and it was a really difficult time for her financially. Ms. Olson Jegtvig admitted at the hearing to wrongfully obtaining public assistance. However, she still downplayed her dishonest actions of not reporting her income, by testifying that she was "being a protective mom." She went on to explain that if she would have checked into it she probably would have qualified for assistance anyway. Ms. Olson Jegtvig was overpaid \$1662 in Food Stamp assistance.⁴²

Ms. Olson Jegtvig's failure to take responsibility for her dishonest actions is very concerning to this Administrative Law Judge. Both offenses occurred fairly recently. Many people go through difficult financial times, but most do not commit crimes of dishonesty. Instead, they look to outside resources for assistance. While Ms. Olson Jegtvig believes that the seven year disqualification period is harsh, it will allow her the ability to demonstrate that she has learned from her dishonest mistakes and that she will never repeat them. She will also have the opportunity to document any successful training or rehabilitation programs she completes. The Administrative Law Judge does recognize that Ms. Olson Jegtvig did pay back the \$1662 she was overpaid in food assistance. However, it is important to note that she did so in exchange for having the charge of wrongfully obtaining public assistance dismissed by Clay County. It is not enough to demonstrate her successful rehabilitation. Thus, she poses a risk of harm to children.

Ms. Olson Jegtvig also failed to disclose her misdemeanor theft conviction from November 3, 2011, when she initially completed the licensing study application. According to the Risk of Harm Assessment Worksheet, there was a specific question on the application that asked whether Ms. Olson Jegtvig "ever had any experience with the criminal justice system." The record is clear that Ms. Olson Jegtvig never disclosed her misdemeanor theft offense. In fact, she only admitted any information regarding this

⁴² Ex. 6.

offense, after she was notified that it was a disqualifying offense. Ms. Olson Jegtvig testified that she forgot about her misdemeanor theft charge. However, the Administrative Law Judge does not find that credible. Most people would remember being issued a citation for misdemeanor theft by a law enforcement officer. It is typically not something that happens every day. It is more likely that Ms. Olson Jegtvig did not disclose it, because she knew that if she did, she would be disqualified. Ms. Olson Jegtvig's dishonesty in the application process substantiates the County's claim that she has not learned from her mistakes. It also supports the County's heightened concerns that she would not be honest in working with them. If she cannot be honest during the application process, it is unlikely she would be honest if granted a license. Thus, a preponderance of the evidence shows that Ms. Olson Jegtvig knowingly withheld relevant information from the Department during the application process by failing to disclose her misdemeanor theft offense.

The Administrative Law judge has reviewed the nine letters of recommendation Ms. Olson Jegtvig submitted on her behalf.⁴³ In reviewing the letters, it is apparent that Ms. Olson Jegtvig is well-respected and well-liked. However, the letters are not enough to persuade the Administrative Law Judge that Ms. Olson Jegtvig should be given a license to provide family child care. None of the writers noted that they were aware of Ms. Olson Jegtvig's prior dishonest acts. As a result, it is unknown as to whether this information would have changed the writer's opinion of Ms. Olson Jegtvig.

Finally, Ms. Olson Jegtvig has failed to demonstrate that she has been in compliance with Chapter 245A and other applicable laws and rules. The record indicates that she has been found providing family child care without a license on three separate occasions. In fact, Ms. Olson Jegtvig was convicted of providing child care without a license on December 1, 2011.⁴⁴ Most recently, Karen Hellem determined that Ms. Olson Jegtvig was providing child care to two unrelated families on January 6, 2012. It is very concerning that Ms. Olson Jegtvig would continue to provide child care without a license even after she had been convicted of doing so. Therefore, her application should not be approved and she should not be granted a family child care license.

A. J. C.

⁴³ Ex C, Ex. D, Ex. E, Ex. F, Ex. G, Ex. I, Ex. J, Ex. K and Ex. L.

⁴⁴ Ex. 9.